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C O N F I D E N T I A L SECTION 01 OF 02 TASHKENT 000327

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SUBJECT: SUNSHINE COALITION LEADERS' TRIALS - BOMBAST AND
BUCKWHEAT

CLASSIFIED BY AMB. JON R. PURNELL, FOR REASONS 1.4 (B, D).

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11. (C) Summary: Sunshine Coalition co-founders Sanjar Umarov and Nodira Khidoyatova's trials continue in parallel sessions, in the same court and under the same judge. The judge has excluded testimony about alleged USG financial support for the opposition movement, limiting testimony to esoteric discussions of gas exports and buckwheat imports. The judge clearly seems to want to focus the trial on the economic charges against the two, keeping any insinuations that politics played a role - including a charge that Umarov received a pledge from the USG for \$28 million, \$6 million of which was deposited in his personal account - out of his courtroom. The defendants' families and supporters continue trying to attract attention by publicly ridiculing the charges. The handful of human rights activists keeping vigil at the court complain that guards have selectively excluded or harassed them. End summary.

12. (C) Sunshine Uzbekistan Coalition co-founder Sanjar Umarov's tax evasion trial continued February 3-8, and then recessed until February 13 while the court proceeded with the parallel trial of coalition co-founder Nodira Khidoyatova on similar charges. The two trials have an alternated schedule, as both are being heard by the same judge in the same courtroom. The two trials were not originally scheduled to conflict, with Umarov's starting on January 30, the anticipated final day of Khidoyatova's hearings (reftel). However, Khidoyatova's trial has run long with added testimony. Judge Zakir Isayev apparently rejected an earlier motion to combine the two trials. Free Farmers (Ozod Dehqonlar) Party loyalists, coordinated by activist Elena Uralyeva, have maintained a daily vigil outside the Tashkent Criminal Court, sending as many of their members into the courtroom for each session as will fit into the cramped chamber. So far, authorities have not overtly impeded outside observers, though activists complain that guards sometimes selectively exclude them. Marat Zakhidov of the International Society for Human Rights notified the Embassy that on February 10 Tashkent police announced they were filing charges against Uralyeva for giving money and food to activists to encourage them to observe the trials.

UMAROV: HEARSAY TESTIMONY AND ALLEGED U.S. SUPPORT

13. (C) Umarov's lawyer, Vitaly Krasilovsky, told Poloff that Umarov's trial has been characterized by hearsay evidence and scarcely credible testimony, which he alleges

investigators have coerced through threats and intimidation. He cited the example of a railroad customs inspector who testified that, while working on the Uzbek-Afghan border in 2003, he took bribes on several occasions from a man who claimed to be exporting liquefied natural gas (LNG) on Umarov's behalf through the offshore company ProFinance. When asked whether he had ever taken bribes from anyone else, the inspector reportedly said, "No, never. Only from that one person." Krasilovsky said the comment elicited chuckles from the courtroom. (Comment: Uzbek customs officials are notoriously corrupt. The idea that this official has taken a bribe from only one individual is indeed laughable. End comment.)

14. (C) According to Krasilovsky, another witness, Umarov's childhood friend Grigoriy Saakyants, gave written testimony alleging that Umarov traveled to the United States shortly before his arrest and obtained a USG pledge of \$28 million to support his opposition political activity, \$6 million of which was already in an Umarov bank account. When Saakyants appeared for live testimony, Umarov personally confronted him about the allegation, but the judge cut him off, saying that there were no political charges included in the indictment, and they should therefore not be discussed.

KHIDOYATOVA: "A CIRCUS SHOW"

15. (C) Nodira Khidoyatova's trial resumed on February 9 with esoteric testimony on her alleged illegal trading of buckwheat. During the session, at which eleven witnesses testified, the defendant and her sister, Ozod Dehqonlar leader Nigora Khidoyatova, openly mocked the prosecution's charges. Near the end of a statement by the prosecuting attorney, Nigora rose and stormed out of the courtroom,

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shouting that the trial was a "circus show." Only 14 observers would fit into the small courtroom on February 9, leaving several outside complaining that they had been deliberately excluded. Those permitted to observe included the defendant's family, poloff, a German diplomat, and several human rights activists. One independent journalist and several human rights activists were denied entry. Several of the latter told poloff that guards had demanded their passport numbers, and they expressed fears of possible arrest. Several gave handwritten notes to poloffs asking for meetings on various human rights issues. On February 10, guards admitted virtually all observers who wished to enter, regardless of the space limitation.

COMMENT

16. (C) By opening this politically motivated trial to outside observers, the GOU likely expected that the superficial appearance of a fair trial might dull Western criticism of judicial shortcomings. It also gives the GOU a way to show its critics that Umarov and Khidoyatova's trials are indeed for economic crimes and unrelated to their work in the Sunshine Coalition. As we have noted in the past, it is impossible for us to comment on the veracity of the charges against the two. However, both cases are, without a doubt, at best examples of selective prosecution. The system of laws and regulations is such that it is almost impossible for anyone who does business to meet all requirements. Government-issued "secret" decrees make it even more difficult.

PURNELL